IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 11TH JULY 2007 / 20TH ASHADHA 1929

WP(C).No. 14388 of 2007(K)

PETITIONER:

P.RAJASEKHARAN, S/O.E.K.MENON,
HOUSE NO.4, SBI OFFICERS COLONY,
RAMANATHAPURAM, PALAKKAD.

BY ADV. SRI.SAJEEV KUMAR K.GOPAL,
SRI.BINOY VASUDEVAN.

RESPONDENTS:
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1. **P.K.KUNJU, PHARMACIST, REG.NO.6792,**
   7/292(2), SREEKRISHNADHAN, NEW KOZHIKODE
   COIAMBATORE ROAD, KALPATHY P.O.,
   PALAKKAD-3.

2. **THE INDUSTRIAL TRIBUNAL, PALAKKAD.**

BY ADV. SRI.SAJAN VARGHEESE K.,
SRI.LIJU. M.P,
GOVT. PLEADER SRI. BENJAMIN PAUL.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/07/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.14388/2007:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE CLAIM PETITION SUBMITTED BY THE R.1. HEREIN BEFORE THE INDUSTRIAL TRIBUNAL DT. 24/07/2006.

EXT.P.2: COPY OF THE AWARD IN I.D. 16/06 PASSED BY THE R.2. ON 11/10/2006.

EXT.P.3: COPY OF THE LICENSE NO. PHI 26773/05 ISSUED BY THE PALAKKAD MUNICIPALITY.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

S. SIRI JAGAN, J.

WP(C) NO. 14388 OF 2007 - K

Dated this the 11th day of July, 2007

J U D G M E N T

The petitioner is the Management in I.D.No.16 of 2006 before the Industrial Tribunal, Palakkad. He challenges Ext.P2 award passed by the Industrial Tribunal which is an ex parte award. The contention of the petitioner is that he has stopped the business, but at the same place, somebody else is conducting the business under the name and style 'Krishna Medicals' and that is why the notice issued by the Tribunal happened to be returned 'refused'. Therefore, the petitioner seeks quashing of Ext.P2 award and directing the Tribunal to adjudicate the dispute afresh after affording an opportunity to both sides to adduce evidence.

2. I have heard learned counsel appearing for the first respondent also.

3. Although I am not fully satisfied with the explanation given by the petitioner - Management, since the petitioner has promptly approached this Court, I feel

that he can be given another opportunity to contest the matter on merits. However, this can only be on terms. Accordingly, I quash Ext.P2 award and remand the matter to the second respondent, the Industrial Tribunal for fresh adjudication of the dispute in accordance with law, after affording an opportunity to both sides to adduce evidence subject to the condition that the petitioner shall pay to the first respondent costs of this writ petition which is quantified at Rs.2000/-. The petitioner shall pay costs to the first respondent and produce proof of payment before the Industrial Tribunal along with a certified copy of this judgment.

The writ petition is disposed of as above.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007